UNEP

CMS

Convention on the Conservation of Migratory Species of Wild Animals

Distr.
LIMITED

UNEP/CMS/1997/L.14
15 April 1997

ORIGINAL: ENGLISH

FIFTH MEETING OF THE
CONFERENCE OF THE PARTIES

Geneva, 10-16 April 1997

DRAFT RESOLUTION 5.2

GUIDELINES FOR THE HARMONISATION OF FUTURE AGREEMENTS

Adopted by the Conference of the Parties at its Fifth Meeting (Geneva, 10-16 April 1997)

The Fifth Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

Recalling Resolution 4.3 (Nairobi, 1994) instructed the Standing Committee to submit a proposal to the fifth meeting of the Conference of the Parties regarding Guidelines for the Harmonisation of Future Agreements;

Welcoming the circulation of draft *Guidelines on the Harmonisation of Agreements concluded under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)*, April 1997, submitted by the Secretariat

Recognising that these 'Guidelines' are a valuable compendium of agreement practices which will enable parties to make considered choices in framing future Agreements;

Acknowledging that treaty practice is subject to some variance between Parties, that some flexibility is desirable and that the range and type of possible agreements, the best and most achievable means of conservation and management under the framework of the CMS, and other circumstances may not render a single form of agreement optimal for all cases;

Recognising the non-binding legal nature of international guidelines and that these *Guidelines on the Harmonisation of Agreements concluded under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals* only described existing provisions, resolutions and existing Agreements;

Desiring to harmonise, as far as possible, the form of Agreements and to avoid unnecessary and unintended divergence in form and effect, with its consequent uncertainty;

Recognising that the 'Guidelines' need to be examined further by parties and progressively refined;

Noting the importance of the first summary of Parties' comments produced by the Secretariat;

Instructs the Secretariat:

a. to distribute copies of the 'Guidelines' together with this resolution to Parties for their further consideration;

b. to seek comments from the Parties on the 'Guidelines' and to produce a comprehensive summary of all comments for timely distribution to Parties seeking further views;

c. to produce an updated draft of the 'Guidelines', taking account of comments received from Parties for submission to the sixth meeting of the Conference of the Parties.